

REMARKS/ARGUMENTS

The amendments to Claim 1 are formal in nature. New Claim 3 is supported at specification page 15, lines 9-10. No new matter has been entered.

The present invention requires that the mass average particle diameter of the polymer which has been made up to the intermediate-layer polymer is 200 to 300 nm (See, Claim 1). This feature, in combination with the other limitations presented, generates the advantageous effects of impact resistance and transparency of the resin composition explained at lines 21-23 on page 4, and line 22 on page 9 to line 1 on page 10, of the specification. On the contrary, the resin composition in Comparative Example 10 has a higher haze due to a too large mass average particle diameter, and the resin composition in Comparative Example 11 has a lower Izod impact strength due to a too small mass average particle diameter (See, Tables 2 and 3). The mass average particle diameter of the present inventions is evaluated using a capillary cartridge for particle fractionation.¹

The rejection over Sugaya (U.S. 6,218,447) is traversed.

Sugaya discloses that the three-layered graft copolymer (A) has an average particle size of 150 to 400 nm (column 6, lines 19-20 of the reference). However, Sugaya neither teaches nor suggests a particular mass average particle diameter for the polymer which has been made up to the intermediate-layer polymer. As a result, Sugaya neither teaches nor suggests the advantageous effects that are made possible by controlling this diameter.

Sugaya discloses in Example 1 that the copolymer which has been made up to the rubber-like polymer (intermediate-layer polymer) has an average particle size of 230 nm (column 7, line 67 to column 8, line 1). However, since the average particle size in Sugaya is evaluated using light scattering (column 7, lines 52-53), the particle size cannot be directly compared with the mass average particle diameter of the present invention.

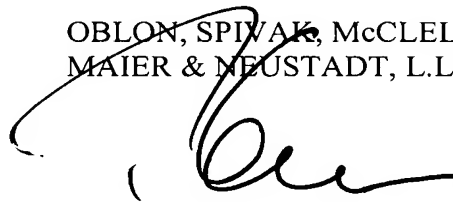
¹ See specification page 15, lines 9-10.

In this regard, and to address this issue, Applicants have carried out an experiment according to Example 1 of Sugaya and evaluated the mass average particle diameter of the copolymer which has been made up to the rubber-like polymer. As found by Applicants, the copolymer has a mass average particle diameter of 349.8 nm when evaluated using a capillary cartridge for particle fractionation, which is outside the range of the present invention.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejection over Sugaya. In addition, Applicants submit that the double patenting rejection is in error. However, if upon reconsideration the double patenting rejection is the only remaining rejection in this application the Examiner is requested to call the undersigned, at which time the rejection will be further addressed in an expedited manner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)